

The State Bar objects to Defendant's Motion to Stay Proceeding. In support hereof, the State Bar shows:

- 1. On March 2, 2012, in *In re: Tracey E. Cline*, Durham County File No. 12 CVS 1614, an inquiry pursuant to N.C. Gen. Stat. § 7A-66, the Honorable Robert H. Hobgood entered an order removing Defendant from the Office of District Attorney for Durham County.
- 2. Judge Hobgood's judgment is final, as it disposed of all issues as to all parties and left no issues for judicial determination in the trial court.
  - 3. Defendant filed a Notice of Appeal of Judge Hobgood's order.
- 4. The complaint in this action includes allegations of misconduct that track the findings of fact contained in Judge Hobgood's order. The complaint also includes allegations of misconduct that are not addressed in Judge Hobgood's order.
- 5. The State Bar will seek judgment as a matter of law on rule violations 3, 4 and 5 of the complaint, based upon the findings of fact contained in Judge Hobgood's order.
- 6. The State Bar will seek to apply the doctrine of collateral estoppel to establish that the facts found in Judge Hobgood's order are determined as a matter of law and that such facts cannot be relitigated.
- 7. Defendant contends that these proceedings should be stayed until her appeal of Judge Hobgood's order is concluded.
- 8. Pursuant to N.C. Gen. Stat. § 1-296, a final judgment remains in full force and effect unless and until it is reversed or modified on appeal.

9. It is important that Defendant be subjected to the disciplinary process in a timely fashion in order to protect the interests of the public.

This 31st day of July, 2012.

Katherine E. Jean

Margaret T. Cloutier Attorneys for Plaintiff The North Carolina State Bar

Post Office Box 25908 Raleigh, North Carolina 27611

## CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served upon all parties by depositing a copy thereof in the United States Mail, postage prepaid, addressed as follows:

Mr. James R. Van Camp Mr. William M. Van O'Linda, Jr.

Mr. Patrick M. Mincey

P.O.Box 1389

Pinehurst, NC 28370

This the 31st day of July, 2012.

Katherine E. Jean